

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Fredrick M.,¹) Case No.: 2:21-cv-01951-JD-MGB
)
 Plaintiff,)
)
 vs.) **ORDER**
)
 KILOLO KIJAKAZI,²)
 Acting Commissioner of Social Security)
 Administration,)
)
 Defendant.)
)

This social security matter is before the Court with the Report and Recommendation of United States Magistrate Judge Mary Gordon Baker (“Report and Recommendation” or “Report”), pursuant to Local Civil Rule 83.VII.02 of the District of South Carolina. Plaintiff Fredrick M. (“Plaintiff” or “Fredrick”) brings this action pursuant to Section 205(g) of the Social Security Act, as amended, 42 U.S.C. § 405(g), to obtain judicial review of a final decision of the Defendant Commissioner of Social Security (“Commissioner” or “Defendant”), denying Plaintiff’s claim for Supplemental Security Income (“SSI”).

Plaintiff filed an application for SSI on June 25, 2019, alleging a disability onset beginning that same day. His application was denied initially on December 10, 2019, and upon reconsideration on June 17, 2020. (DE 9.) Plaintiff requested a hearing before an Administrative Law Judge (“ALJ”) on June 22, 2020. (DE 9-4, pp. 13-17.) On November 19, 2020, Plaintiff

¹ The Committee on Court Administration and Case Management of the Judicial Conference of the United States has recommended that, due to significant privacy concerns in social security cases, federal courts should refer to claimants only by their first names and last initials.

² Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021; and therefore, she is substituted for former Commissioner Andrew Saul as the defendant in this suit.

had a hearing by telephone before the ALJ. The ALJ issued an unfavorable decision on December 24, 2020, finding that Plaintiff was not disabled. (DE 9-3, Tr. pp. 16-27.) Plaintiff filed a request for review of the ALJ's decision, which the Appeals Council denied on May 21, 2021, making the ALJ's decision the Commissioner's final decision. (DE 9-2, pp. 2-7.) Plaintiff filed this action on June 30, 2021. (DE 1.)

The Magistrate Judge issued the Report and Recommendation on July 19, 2022, recommending that the Commissioner's decision be reversed and that the case be remanded for further proceedings. (DE 14.) The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See Mathews v. Weber, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection has been made, and may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge. 28 U.S.C. § 636(b)(1). However, *de novo* review is unnecessary when a party makes general and conclusory objections without directing a court's attention to a specific error in the Magistrate Judge's proposed findings. See Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982). In the absence of a specific objection, the court reviews the report and recommendation only for clear error. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (citation omitted); see also Tyler v. Wates, 84 F. App'x 289, 290 (4th Cir. 2003) ("A general objection to the entirety of the magistrate judge's report is tantamount to a failure to object.").

Plaintiff filed no objections to the Report and Recommendation and the Commissioner indicates that she does not intend to file objections to the same. (DE 15.) Upon review of the Report and the record in this case, the Court adopts the Report and Recommendation and

incorporates it herein by reference, and it is hereby **ORDERED** that the Commissioner's decision is REVERSED and REMANDED for further administrative review.

AND IT IS SO ORDERED.

A handwritten signature in black ink, reading "Joseph Dawson, III". The signature is written in a cursive style with a large initial "J" and a stylized "D".

Joseph Dawson, III
United States District Judge

August 8, 2022
Florence, South Carolina